

Appl. No. 09/409,986
Reply to Final Action dated May 5, 2004

REMARKS/ARGUMENTS

Under the response to arguments section of the previous Office Action, the Examiner indicated that the focus on transmissions from the perspective of a BTS is not a distinction that was made in the instant claims. Claim 1 has been amended to include this distinction. By adding the limitation that the transmit opportunities are forward link transmit opportunities transmitted by a base station, this also clarifies the meaning of the delay parameter for each wireless station indicating how long since the wireless station was last allocated at transmit opportunity. This makes it clear that it is the last transmit opportunity transmitted by a base station for that wireless station. This meaning of "delay" is distinct from that in the Tiedemann reference, as previously conceded by the Examiner in the response to arguments section.

It is respectfully submitted that with this amendment, claim 1 should now be allowable.

Furthermore, the Examiner had previously indicated that claims 6 to 10 and 13 to 17 would be allowable if re-written in independent form. Claim 6 has been re-written in independent form. Claim 7 has been re-written to depend upon claim 6. The specific wording added in claim 7 is the same as that of claim 5 upon which claim 7 formerly depended. The effect of this amendment is that the scope of claim 7 is identical after this amendment to that prior to amendment, but that it depends upon claim 6 which the Examiner has indicated as allowable. Claim 8 has been re-written in independent form. Claim 9 has been re-written in independent form. Claim 10 depends upon claim 6 which has been re-written in independent form. Claim 13 has been re-written in independent form. Claim 14 has been amended to depend upon claim 1. Claim 15 has been re-written in independent form. Claim 16 has been amended to depend upon claim 1. Claim 17 has been amended to be in independent form. Finally claims 20, 21, 22 and 23 have been amended to depend upon claim 8.

With these amendments, claims 6, 7, 8, 9, 10, 13 and 17 have now been re-written in independent form or depend upon a claim re-written in independent form. Claims 14 and 16 which formerly depended on claim 2 now depend upon claim 1, but it is respectfully submitted

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that these claims should be patentable for the reasons presented above.

Favourable consideration and allowance is respectfully requested.

Respectfully submitted,

GHASSAN NAIM, ET AL

By _____

Ralph A. Dowell

Reg. No. 26,868

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